

Senate File 186 - Introduced

SENATE FILE 186
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SF 3)

A BILL FOR

1 An Act relating to the treatment of adoptive parent employees
2 and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 91A.5B Treatment of adoptive parent
2 employees.

1. For purposes of this section, "*adoption*" means the permanent placement for adoption in this state of a child by the department of health and human services, by an adoption service provider as defined in section 600A.2, or by an agency that meets the provisions of the interstate compact in section 232.158.

9 2. An employer shall treat an employee who adopts a child up
10 to six years of age in the same manner as an employee who is the
11 biological parent of a newborn child for purposes of employment
12 policies, benefits, and protections for the first year of the
13 adoption.

14 3. Notwithstanding subsection 2, an employee shall not be
15 entitled to disability leave without a qualifying disability
16 under an employer's disability policies.

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill requires an employer under Code chapter 91A
21 to treat an employee who adopts a child up to six years of
22 age in the same manner as an employee who is the biological
23 parent of a newborn child for purposes of employment policies,
24 benefits, and protections for the first year of the adoption.
25 An employee shall not be entitled to disability leave without a
26 qualifying disability under an employer's disability policies.

27 The bill defines "adoption" as the permanent placement
28 for adoption in this state of a child by the department of
29 health and human services, by an adoption service provider as
30 defined in Code section 600A.2, or by an agency that meets the
31 provisions of the interstate compact in Code section 232.158.

32 Code section 91A.2 defines "employer" as a person, as
33 defined in Code chapter 4, who in this state employs for wages
34 a natural person. The definition specifies that an employer
35 does not include a client, patient, customer, or other person

1 who obtains professional services from a licensed person
2 who provides the services on a fee service basis or as an
3 independent contractor.

4 Code section 91A.2 defines "employee" as a natural person
5 who is employed in this state for wages by an employer.
6 Code section 91A.2 specifies that "employee" also includes a
7 commission salesperson who takes orders or performs services
8 on behalf of a principal and who is paid on the basis of
9 commissions but does not include persons who purchase for their
10 own account for resale. Code section 91A.2 also excludes
11 certain persons engaged in agriculture and certain independent
12 contractors from the definition of "employee".

13 Code chapter 91A is administered and enforced by the
14 labor commissioner. A violation of Code chapter 91A or the
15 administrative rules promulgated under it is subject to a
16 civil penalty of not more than \$500 per pay period for each
17 violation.